

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

GLENN S. BATES,)
v. Plaintiff,)
TOWN OF HARWICH and)
HARWICH POLICE DEPARTMENT,)
CHRISTOPHER KENDER and)
BARRY MITCHELL,)
Defendants.)
C.A. NO. 05-10489-MEL

**PLAINTIFF GLENN BATES' MOTION TO ALLOW THE FILING OF HIS
OPPOSITION TO DEFENDANTS' VARIOUS MOTIONS FOR SUMMARY
JUDGMENT WITHIN THIRTY DAYS FROM THE DATE OF FILING OF
TOWN OF HARWICH'S MOTION FOR SUMMARY JUDGMENT**

Now comes the Plaintiff, Glenn Bates, and hereby requests that his counsel be allowed to file his opposition to the various motions for summary judgment of the Defendants within thirty days of the filing of the summary judgment papers of Defendants Town of Harwich and Harwich Police Department. In support of this motion, Plaintiff states as follows:

1. The Court recently allowed Defendants Town of Harwich and Harwich Police Department to file late summary judgment papers.

2. Although the individual defendants filed a summary judgment motion, no date had been set by the Court for response to that motion.

3. Since the motion of the Town and Police Department is said to be on the same grounds as those of the individual defendants, it makes most sense for Plaintiff to

reply to all motions en masse. Plaintiff's counsel states that they can do so within thirty days of the filing by the Town and Police Department.

4. No party is prejudiced by such a filing schedule and it is in the interests of justice and judicial economy to set such a schedule.

5. Defendants, Town of Harwich and Harwich Police Department, informed Plaintiff's counsel that they would not be opposing this motion.

WHEREFORE, Plaintiff requests that the Court allow Plaintiff thirty days from the date of the filing of the motion for summary judgment of the Town and Police Department from which to file his opposition to all summary judgment motions.

Respectfully submitted,

GLENN S. BATES

By his attorneys,

/s/ Gregory T. Donoghue
Timothy J. Perry (BBO#631397)
Gregory T. Donoghue (BBO#661480)
PRETI FLAHERTY BELIVEAU & PACHIOS LLP
10 High Street, Suite 502
Boston, MA 02110
TEL (617) 226-3800
FAX (617) 226-3801

CERTIFICATE OF SERVICE

I hereby certify that on this date a true copy of the above document was served upon counsel of record, listed below, via the Court's ECF system and by pre-paid First Class, United States Mail to those indicated as non-registered participants on December 8th, 2006.

Joseph L. Tehan, Esq.
Jackie Cowin, Esq.
Kopelman and Paige, P.C.
101 Arch Street
Boston, MA 02110

Charles D. Mulcahy, Esq.
Wynn & Wynn
90 New State Highway
Raynham, MA 02767

Dated: December 8th, 2006

/s/ Gregory T. Donoghue
Gregory T. Donoghue

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1

Plaintiff's counsel hereby certifies that he conferred with counsel for all defendants by letter, faxed on December 7, 2006. As of the date of filing, only counsel for Defendants Town of Harwich and Harwich Police Department responded. They informed Plaintiff's counsel that they would not oppose this motion.

/s/ Gregory T. Donoghue
Gregory T. Donoghue